

REMARKS

Claims 1, 2, 3-21, and 25-41 are pending in this application. In light of the following remarks, Applicant respectfully requests that the rejection of these claims be withdrawn, the claims be reconsidered, and allowed.

After withdrawal of the previous rejections under 35 U.S.C. § 102 in light of WO 95/13799 ("WO '799"), the Office has rejected the pending claims under 35 U.S.C. § 103 in light of the same reference. The Office asserted that "since WO '799 uses the same organic solvent, non-solvent, and curing agent as presently claimed, the composition of the reference would inherently have the same properties and characteristics, such as dissolution or miscibility as the claimed invention." Office Action at p. 3. Applicant respectfully disagrees that WO '799 discloses the same organic solvent, non-solvent, and curing agent as the claimed invention because even if the reagents cited in WO '799 are the same, they are not used in the same way.

The Office explained that WO '799 teaches "adding a mixture of ethyl acetate and an alcohol or ketone, instead of adding ethyl acetate first and then the alcohol or ketone," *id.*, and further asserts that this difference "would have given substantially the same results." *Id.* The Office finds the difference between adding ingredients sequentially to be prima facie obvious over adding them as a mixture.

But, the claimed process specifically separates the steps of first "(a) dissolving a polymer in an *organic solvent* . . .," then "(b) adding a *non-solvent* to the solution of the polymer . . .," and, finally, "(c) curing the polymer deposit by addition of a *curing agent*" (Emphasis added.) Indeed, in embodiments of the claimed invention in which the organic solvent can be ethylacetate and the non-solvent can be an alcohol or

ketone, first dissolving the polymer in ethylacetate before adding alcohol or ketone is significantly different from adding a mixture of these ingredients. The sequential addition allows the non-solvent to induce "controlled desolvation of the polymer and allows deposition of the polymer at the surface of the active principle," as claimed. Were a non-solvent alcohol or ketone added along with the organic solvent ethylacetate, as provided in WO '799, desolvation and deposition of the polymer would not occur, and microencapsulation of the active principle by coacervation would not be accomplished. Thus, the addition of a mixture of ethylacetate and alcohol or ketone in WO '799 does not provide "substantially the same results" as the claimed invention, as the Office asserts, and demonstrates that WO '799 does not render the claimed invention obvious. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn and the pending claims be allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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